

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

LENICA HIGHTOWER,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-00684

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Stanley submitted to the court her Findings and Recommendation on June 30, 2005, in which she recommended that the court deny plaintiff's motion for summary judgment, grant defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted ten days and three mailing days in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the thirteen-day

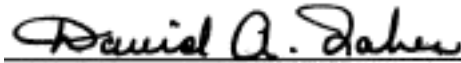
period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge Stanley as follows:

1. Plaintiff's motion for summary judgment is **DENIED;**
2. Defendant's motion for judgment on the pleadings is **GRANTED;**
3. The final decision of the Commissioner is **AFFIRMED;** and
4. This case is **DISMISSED** from the court's docket.

The Clerk is directed to forward a certified copy of this Memorandum Opinion and Judgment Order to counsel of record.

IT IS SO ORDERED this 21st day of July, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge